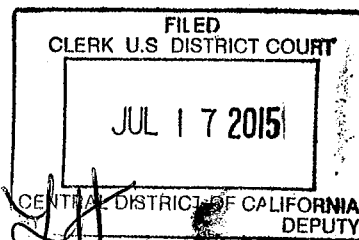


BRUCE DE LA CRUZ  
 FULL NAME  
 SAME  
 COMMITTED NAME (if different)  
 P.O. BOX 2349 19025 WILEY'S WELL ROAD  
 FULL ADDRESS INCLUDING NAME OF INSTITUTION  
 CHUCKAWALLA STATE PRISON BLYTHE, CA. 92226  
 AL6111  
 PRISON NUMBER (if applicable)



UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA

BRUCE DE LA CRUZ

PLAINTIFF,

v.

J. MICHAEL LEE, CHIEF MEDICAL OFFICER,  
 DR. S. MURAKONDA, NP L. YOUNG

DEFENDANT(S).

CASE NUMBER

**CV 15-01428 JGB (JEM)**

To be supplied by the Clerk

CIVIL RIGHTS COMPLAINT  
 PURSUANT TO (Check one)

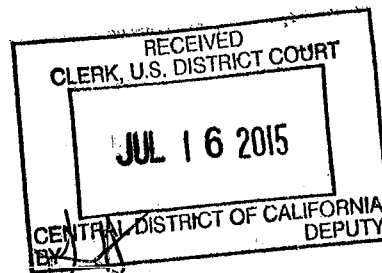
- ☒ 42 U.S.C. § 1983  
☐ Bivens v. Six Unknown Agents 403 U.S. 388 (1971)

A. PREVIOUS LAWSUITS

1. Have you brought any other lawsuits in a federal court while a prisoner: ☐ Yes ☒ No  
 2. If your answer to "1." is yes, how many? \_\_\_\_\_

Describe the lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on an attached piece of paper using the same outline.)

N/A



a. Parties to this previous lawsuit:

Plaintiff N/A

Defendants \_\_\_\_\_

b. Court N/Ac. Docket or case number N/Ad. Name of judge to whom case was assigned N/Ae. Disposition (For example: Was the case dismissed? If so, what was the basis for dismissal? Was it appealed? Is it still pending?) N/Af. Issues raised: N/Ag. Approximate date of filing lawsuit: N/Ah. Approximate date of disposition N/A**B. EXHAUSTION OF ADMINISTRATIVE REMEDIES**1. Is there a grievance procedure available at the institution where the events relating to your current complaint occurred? ☒ Yes ☐ No2. Have you filed a grievance concerning the facts relating to your current complaint? ☒ Yes ☐ NoIf your answer is no, explain why not N/A3. Is the grievance procedure completed? ☒ Yes ☐ NoIf your answer is no, explain why not N/A

4. Please attach copies of papers related to the grievance procedure.

**C. JURISDICTION**This complaint alleges that the civil rights of plaintiff BRUCE DE LA CRUZ

(print plaintiff's name)

who presently resides at CVSP P.O. BOX 2349, BLYTHE, CALIFORNIA 92226

(mailing address or place of confinement)

were violated by the actions of the defendant(s) named below, which actions were directed against plaintiff at

CHUCKAWALLA STATE PRISON

(institution/city where violation occurred)

on (date or dates) 2012 - PRESENT, \_\_\_\_\_, \_\_\_\_\_  
(Claim I) (Claim II) (Claim III)

**NOTE:** You need not name more than one defendant or allege more than one claim. If you are naming more than five (5) defendants, make a copy of this page to provide the information for additional defendants.

1. Defendant J. MICHAEL LEE, CHIEF MEDICAL OFFICER resides or works at  
(full name of first defendant)  
19025 WILEY'S WELL ROAD, BLYTHE, CALIFORNIA 92226  
(full address of first defendant)  
CHIEF MEDICAL OFFICER  
(defendant's position and title, if any)

The defendant is sued in his/her (Check one or both): ☒ individual ☐ official capacity.

Explain how this defendant was acting under color of law:

DEFENDANT IS WORKING FOR THE STATE PRISON

2. Defendant S. MURAKONDA, DOCTOR resides or works at  
(full name of first defendant)  
19025 WILEY'S WELL ROAD, BLYTHE, CALIFORNIA 92226  
(full address of first defendant)  
MEDICAL DOCTOR  
(defendant's position and title, if any)

The defendant is sued in his/her (Check one or both): ☒ individual ☐ official capacity.

Explain how this defendant was acting under color of law:

DEFENDANT IS WORKING AT THE STATE PRISON

3. Defendant L. YOUNG resides or works at  
(full name of first defendant)  
190125 WILEY'S WELL ROAD, BLYTHE, CALIFORNIA 922226  
(full address of first defendant)  
NURSE PRACTITIONER  
(defendant's position and title, if any)

The defendant is sued in his/her (Check one or both): ☒ individual ☐ official capacity.

Explain how this defendant was acting under color of law:

DEFENDANT IS WORKING AT THE STATE PRISON

4. Defendant N/A resides or works at \_\_\_\_\_  
(full name of first defendant)  
\_\_\_\_\_  
(full address of first defendant)  
\_\_\_\_\_  
(defendant's position and title, if any)

The defendant is sued in his/her (Check one or both): ☐ individual ☐ official capacity.

Explain how this defendant was acting under color of law:

\_\_\_\_\_  
\_\_\_\_\_

5. Defendant \_\_\_\_\_ resides or works at \_\_\_\_\_  
(full name of first defendant)  
\_\_\_\_\_  
(full address of first defendant)  
\_\_\_\_\_  
(defendant's position and title, if any)

The defendant is sued in his/her (Check one or both): ☐ individual ☐ official capacity.

Explain how this defendant was acting under color of law:

\_\_\_\_\_  
\_\_\_\_\_

D. CLAIMS\*

CLAIM I

The following civil right has been violated:

EIGHTH AND FOURTEENTH AMENDMENTS DENIAL OF ADEQUATE MEDICAL CARE FOR SERIOUS  
MEDICAL NEEDS. (SEE ATTACHED COMPLAINT) SEE PAGES 3-10 OF ATTACHED COMPLAINT

Supporting Facts: Include all facts you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be certain you describe, in separately numbered paragraphs, exactly what each DEFENDANT (by name) did to violate your right.

SEE ATTACHED COMPLAINT - TOO LENGTHY TO RECITE HEREIN.

SEE PAGES 3-THROUGH 8 OF ATTACHED COMPLAINT

*\*If there is more than one claim, describe the additional claim(s) on another attached piece of paper using the same outline.*

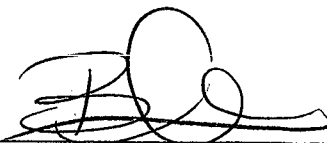
E. REQUEST FOR RELIEF

I believe that I am entitled to the following specific relief:  
SEE ATTACHED COMPLAINT AND REQUEST FOR RELIEF

SEE PAGE 10 OF ATTACHED COMPLAINT

JULY 6, 2015

(Date)



(Signature of Plaintiff)  
BRUCE DE LA CRUZ

1 BRUCE DE LA CRUZ  
2 AL6111 B4-1-3L  
3 CHUCKAWALLA STATE PRISON  
4 P.O. BOX 2349  
5 BLYTHE, CALIFORNIA 92226

6  
7  
8 In Pro-Se

9 IN THE UNITED STATES DISTRICT COURT  
10 FOR THE CENTRAL DISTRICT OF CALIFORNIA

11 BRUCE DE LA CRUZ,  
12 Plaintiff,

13 vs.

14  
15 J. MICHAEL LEE, Chief  
16 Medical Officer & M.D.,  
17 Doctor S. Murakonda,  
18 Nurse Practitioner L.  
19 YOUNG,  
20 Defendants.

CASE NO.

CIVIL RIGHTS COMPLAINT

42 U.S.C. §1983

DEMAND FOR TRIAL

21 I. NATURE OF ACTION

22 1. This is a civil rights action authorized by 42 U.S.C. §1983  
23 filed by Plaintiff BRUCE DE LA CRUZ, a state prisoner, to  
24 redress the deprivation, under the color of state law, of  
25 rights secured by the Constitution of the United States. The  
26 court has jurisdiction under 28 U.S.C. §§1331 & 1343 (a)(3).  
27 Plaintiff alleges a violation of his constitutional rights to  
28 receive proper medical care. Plaintiff seeks money damages,  
injunctive and declaratory relief pursuant to 28 U.S.C. §§ 2210  
and 2202.

II.

### III.

-2-



1 5. Defendant Dr. S. MURAKONDA, is a Doctor employed by CVSP.  
2 Defendant S. MURAKONDA, has the duty to provide adequate  
3 medical care for prisoners at CVSP. At all times mentioned  
4 defendant S. MURAKONDA was acting under the color of state law  
5 in the course and scope of her employment and is sued in her  
6 official and individual capacities.

7 6. Defendant Nurse Practitioner L. YOUNG is a Nurse  
8 Practitioner and is responsible for the care of all inmates and  
9 has a duty to adequately provide medical care for prisoners at  
10 CVSP where the events giving rise to this action occurred. At  
11 all times mentioned defendant L. YOUNG was acting under the  
12 color of state law in the course and scope of her employment  
13 and is sued in her official and individual capacities.

14 IV.

15 FACTS

16 7. Plaintiff, BRUCE DE LA CRUZ is a prisoner at the  
17 Chuckawalla State Prison. Plaintiff arrived at CVSP in July  
18 2012. Plaintiff suffers from hyperglycemia and pancreatitis  
19 ( A rapid decline in sugar levels.) This is caused in part,  
20 by the fact that Plaintiff had gastric bypass surgery prior to  
21 his incarceration. Defendants LEE, MURAKONDA, and YOUNG are  
22 fully aware of plaintiff's Gastric bypass procedure (GBP).  
23 Because of many factors involved in the GBP, nutrition is vital  
24 to the health of plaintiff. It includes but is not limited to  
25 the following: Iron is frequently deficient; zinc deficiency  
26 occurs; deficiency of thiamine (Vitamin B); Protein  
27 malnutrition is a serious risk; Vitamin A deficiencies occur.



1 Total food intake is markedly reduced. Due to the reduced size  
2 of the stomach, and reduced food intake, adequate nutrition  
3 demands that the plaintiff has adequate protein intake, and the  
4 use of vitamin and mineral supplements. These essential  
5 proteins and vitamins are not provided in a regular prison  
6 diet. Therefore, plaintiff requires a therapeutic diet.  
7 Furthermore, due to the high carbohydrate diet given at regular  
8 meals his condition worsens. Because of the GBP and resultant  
9 diseases, plaintiff requires a therapeutic diet consisting of  
10 high protein with snacks to control his sugar levels.

11 8. Plaintiff has numerously attempted to deal with these  
12 issues for more than two years. Meanwhile, plaintiff's health  
13 continually deteriorates and he suffers daily from hypoglycemic  
14 episodes which include hallucinations, shaking, cold sweats and  
15 headaches.

16 9. Immediately after arriving at Chuckawalla State Prison in  
17 July 2012, these hypoglycemic episodes began and plaintiff  
18 began seeking medical help. After tests were performed  
19 plaintiff was officially diagnosed with hyperglycemia. However,  
20 no treatment was recommended or performed by Defendants J.  
21 MICHAEL LEE and L. YOUNG. Plaintiff continued to have  
22 hyperglycemic episodes causing pain and suffering on a daily  
23 basis. Plaintiff continually submitted medical sick call slips  
24 and complained of his episodes. Plaintiff continually  
25 requested treatment and to be seen by a specialist. On one  
26 occasion defendant YOUNG stated, "quit sniveling, your acting  
27 like a baby."  
28

1 10. Soon thereafter, plaintiff began having more serious  
2 episodes including hallucinations, shaking violently, cold  
3 sweats and headaches that would last for hours. Plaintiff  
4 continued to request for help and to see a specialist. Those  
5 complaints were always met with derogatory remarks from  
6 defendant YOUNG.

7 11. Meanwhile, on May 6, 2013, plaintiff had signs of having  
8 a transient ischemic attack/stroke (mild) including blood shot  
9 left eye, confusion and drooping of the left side of his face  
10 and shoulder. Plaintiff was escorted by an unknown inmate to  
11 the clinic and was eventually transported to Palo Verde  
12 hospital in Blythe, California. He was diagnosed with a "mild"  
13 stroke and sent back to the institution for further evaluation.  
14 Plaintiff was never treated nor was there any follow-up  
15 treatment given concerning that stroke. Plaintiff continues  
16 to suffer memory loss due to the transient ischemic attack/  
17 stroke and at times struggles with his motor skills.

18 12. Near the end of the year 2013, plaintiff was scheduled to  
19 see a specialist for his hypoglycemic episodes. The  
20 specialist, Doctor Kumar, recommended to the institution that  
21 plaintiff be provided with a therapeutic diet to manage the  
22 hypoglycemic episodes. This diet consists of high protein, low  
23 carbohydrates, no sugars. This diet was never ordered by  
24 defendants LEE, YOUNG, and MURAKONDA.

25 13. On April 26, 2014, plaintiff had an extreme episode of  
26 stomach pain and eventually taken to Palo Verde hospital where  
27 plaintiff underwent a cholecystectomy (removal of gall bladder)  
28

1 as a result of his hypoglycemic condition worsening. This  
2 further caused unnecessary pain and suffering from the surgery.

3 14. Plaintiff continued to suffer from hypoglycemic episodes  
4 including hallucinations, violent shaking, cold sweats and  
5 headaches on a daily basis for approximately another year.

6 15. On November 13, 2014, plaintiff was finally put up for  
7 transfer to "High Risk Medical Facility" that could accommodate  
8 his special dietary needs. Plaintiff was also transferred to  
9 another facility at CVSP for unrelated reasons.

10 16. Plaintiff continues to suffer from hypoglycemic episodes  
11 on a daily basis. Plaintiff complained to defendant MURAKONDA  
12 concerning his hypoglycemic episodes and the pain and

13 suffering caused by those episodes. Defendant MURAKONDA always  
14 responded with derogatory responses to his concerns and  
15 complaints. Defendant MURAKONDA refused to order the  
16 therapeutic diet for his condition.

17 17. Meanwhile, plaintiff's transfer endorsement expired and  
18 he is never transferred to a facility which could meet his  
19 dietary needs. Plaintiff requested Defendant MURAKONDA to  
20 place him back up for transfer to a High Risk Facility and she  
21 refused. As a result, plaintiff suffers daily from  
22 hypoglycemic episodes causing hallucinations, cold sweats,  
23 violent shaking and headaches.

24 18. In the last year, plaintiff has visited defendant  
25 MURAKONDA numerous times and every time plaintiff attempted  
26 to explain his pain and suffering and each and every time  
27 defendant MURAKONDA refuses to order a high protein diet or  
28



1 place plaintiff back up for transfer to a high risk medical  
2 facility to accommodate his serious medical needs. Ironically,  
3 a high protein, low carbohydrate, no sugar diet is not hard to  
4 accommodate Plaintiff also complained to defendant MURAKONDA  
5 of his memory loss and occasion motor skills loss and she  
6 responds with derogatory remarks.

7 19. As a result of the deliberate indifference of defendants  
8 and all defendants in refusing to properly treat plaintiff with  
9 adequate medical care, plaintiff suffered and continually  
10 suffers from hypoglycemic episodes and resulting pain including  
11 hallucinations, shaking, cold sweats, headaches, loss of sleep  
12 and emotional distress. Plaintiff had to endure an additional  
13 surgery to remove his gall bladder causing additional pain and  
14 suffering.

15 20. There was an inexcusable practice of deliberate  
16 indifference by defendants' LEE, MURAKONDA and YOUNG, by  
17 improperly refusing to treat plaintiff for his loss of memory,  
18 loss of motor skills due to the transient ischemic attack/  
19 stroke he suffered.

20 21. There was an inexcusable practice of deliberate  
21 indifference by defendants' LEE, MURAKONDA and YOUNG, by  
22 improperly refusing to treat plaintiff with a proper diet  
23 and/or ensure that plaintiff is transferred to a prison where  
24 his therapeutic diet is available.

25 22. As the Chief Medical Officer at CVSP Doctor J. MICHAEL LEE  
26 failed to ensure that plaintiff receive adequate medical  
27 treatment and failed to adequately supervise and train staff  
28

1 and put in place in procedures so that plaintiff would receive  
2 medically appropriate care.

3 23. Plaintiff exhausted his administrative remedies by  
4 obtaining a decision at the third level decision and was  
5 diligent in filing this complaint thereafter.

6 CLAIM FOR RELIEF

7 (§1983)

8 **Violation Of Prisoner's Eighth And Fourteenth**  
9 **Amendments For Deliberate Indifference To**  
10 **His Serious Medical Needs**

11 24. Plaintiff realleges and incorporates by reference each  
12 allegation of paragraphs 1 through 23, inclusive, as if alleged  
13 herein.

14 25. Defendant Chief Medical Officer J. MICHAEL LEE, violated  
15 plaintiff's Eighth and Fourteenth Amendment rights to the U.S.  
16 constitution by failing to ensure that plaintiff receive  
17 adequate treatment and failed to adequately supervise and train  
18 and put in place procedures so that plaintiff would receive  
19 medically appropriate care as described in paragraphs 1-23.  
20 Defendants Dr. S. MURAKONDA, Nurse Practitioner L. YOUNG, acted  
21 under the color of state law and knew or should have known that  
22 their conduct created an unreasonable risk of harm to  
23 plaintiff. As a direct and foreseeable result of their  
24 violations of constitutional rights, Plaintiff suffered  
25 physical deterioration, headaches, loss of sleep and emotional  
26 distress. All defendants acts were willful, intentional,  
27 wanton and in conscious disregard of plaintiff's rights. The  
28



1 constitutional deprivations described herein are the proximate  
2 result of the official policies, customs and pervasive  
3 practices of defendants. Defendants have been and are aware  
4 of all the deprivations complained herein and have condoned or  
5 been deliberately indifferent to such conduct.

6 26. Defendants LEE, MURAKONDA, and YOUNG, violated plaintiff's  
7 Eighth and Fourteenth Amendment rights to the U.S. Constitution  
8 to be protected from cruel and unusual punishment as described  
9 in paragraphs 1 through 23. Defendant's were deliberately  
10 indifferent to plaintiff's medical needs and acted under color  
11 of state law and knew or should have known that their conduct  
12 or omission created an unreasonable risk of harm to plaintiff.

13 As a direct and foreseeable result of defendant's LEE,  
14 MURAKONDA and YOUNG plaintiff suffered an unnecessary surgery  
15 to his gall bladder that caused pain and suffering, headaches,  
16 loss of sleep and emotional distress. Furthermore, plaintiff  
17 has suffered and continues to suffer from daily hypoglycemic  
18 episodes including hallucinations, shaking, sweats and  
19 headaches on a daily basis. Plaintiff continues to suffer from  
20 memory loss and motor skills deterioration due to the transient  
21 ischemic attack/stroke left untreated by defendants. DE LA  
22 CRUZ IS ENTITLED TO AN AWARD OF COMPENSATION AND PUNITIVE  
23 DAMAGES FOR INJURIES SUFFERED.

24 //

25 /

PRAYER FOR RELIEF

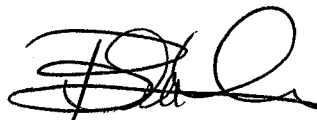
Wherefore, Plaintiff BRUCE DE LA CRUZ,  
prays for the following relief:

1. Injunctive and Declaratory relief in that this court order defendants to provide him with a therapeutic diet and transfer to high risk medical facility;
2. Compensatory Damages according to proof;
3. Punitive and Exemplary Damages according to proof;
4. Cost of Suit; and
5. Such further relief as the court deems proper.

DEMAND FOR TRIAL

Plaintiff, BRUCE DE LA CRUZ hereby demands a trial by jury.

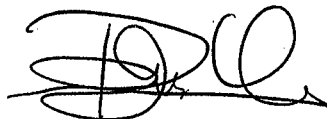
Dated: July 6, 2015



Bruce De La Cruz

I declare under the penalty of perjury that the foregoing is true and correct.

EXECUTED this 6th day of July 2015, at Blythe, California.



Bruce De La Cruz



Bureau of Prisons  
Attn: GHI 84-1-3  
Chickawalla State Prison  
P.O. Box 2349  
Blythe CA 92226

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United States District Court  
Central District of California  
Office of the Clerk  
U.S. Courthouse  
Los Angeles CA 90012

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JUL 16 2015  
CENTRAL DISTRICT OF CALIFORNIA





